

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 17512-A of KC Enterprises**, pursuant to 11 DCMR § 3103.2, for a variance from the lot area and lot width requirements under section 401, and a variance from the side yard requirements under section 405, to construct a new semi-detached dwelling in the R-2 District at premises east side of the 300 block of 58th Street, N.E. (Square 5264, Lot 22).

<b>HEARING DATE:</b>	September 19, 2006
<b>DECISION DATE:</b>	October 3, 2006
<b>DECISION DATE ON MOTION FOR RECONSIDERATION:</b>	November 14, 2006

**DISMISSAL ORDER**

Board of Zoning Adjustment Application No. 17512 was filed with the Office of Zoning (OZ) on April 7, 2006. The Board provided proper and timely notice of the September 19, 2006 public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7C, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 7C. The full ANC did not participate in the application. The ANC single member district Commissioner for 7C-05 submitted a letter in opposition to the application. The OP submitted a report in support of the application. No parties appeared in opposition to the application. On October 3, 2006, the Board, at a regularly scheduled public meeting, voted to approve the application. Consequently, the Board issued its decision order in this matter, with a final date of October 4, 2006. On October 13, 2006, the OZ received a Motion for Reconsideration of the Board's decision order. The motion was filed by Albert and Melissa Muhammad. The motion was served on the Applicant, OP and ANC 7C. The Board, at its November 14, 2006, public meeting, deliberated on the motion for reconsideration. The Board determined that the makers of the motion were not parties to the original application as is procedurally required under 11 DCMR subsection 3126.2. As such the Muhammad's did not have standing in this application.

In light of the foregoing, the Board hereby **ORDERS** that the **MOTION FOR RECONSIDERATION** be **DISMISSED** as the makers of the motion lacked standing.

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**VOTE (17512):** 3-2-0 (John A. Mann II, Curtis L. Etherly, Jr. and Geoffrey H. Griffis to approve; Ruthanne G. Miller and Anthony J. Hood opposed to the motion).


**VOTE TO DISMISS REQUEST FOR RECONSIDERATION (17512-A):**

4-0-1 (Ruthanne G. Miller, John A. Mann II, Geoffrey H. Griffis and Anthony J. Hood to dismiss, Curtis L. Etherly, Jr. not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

Each concurring Board member has approved the issuance of this order.

**ATTESTED BY:**

  
**JERRILY R. KRESS, FAIA**

**Director, Office of Zoning**

**FINAL DATE OF ORDER:** November 17, 2006

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL. rsn

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**BZA APPLICATION NO. 17512-A**

As Director of the Office of Zoning, I hereby certify and attest that on November 17, 2006, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

Kevin B. Moody, General Partner  
KC Enterprise  
6713 Burch Hill Road  
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Chairperson  
Advisory Neighborhood Commission 7C  
1027 46<sup>th</sup> Street, N.E.  
Washington, D.C. 20019

Single Member District Commissioner 7C05  
Advisory Neighborhood Commission 7C  
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Bill Crews, Zoning Administrator  
Building and Land Regulation Administration  
Department of Consumer and Regulatory Affairs  
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rsn

ATTESTED BY:

  
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**JERRILY R. KRESS, FAIA**  
Director, Office of Zoning 